

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rose Lantigua (S14)	Team: Squad #14	CCRB Case #: 201602192	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 03/09/2016 10:35 PM	Location of Incident: Northwest corner of East 167th Street and Fox Street	Precinct: 41	18 Mo. SOL 9/9/2017	EO SOL 9/9/2017	
Date/Time CV Reported Thu, 03/10/2016 5:46 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/16/2016 10:29 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Lawrence Sanchez	26252	942502	041 PCT
2. POM Brendan Grace	31003	952806	041 PCT
3. SGT Miroslav Maric	02674	932957	041 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Damir Djukanovic	30259	956606	041 PCT
2. POM Luis Almanzar	01387	956381	041 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Miroslav Maric	Force: Sergeant Miroslav Maric used physical force against § 87(2)(b)	
B.POM Brendan Grace	Force: Police Officer Brendan Grace used physical force against § 87(2)(b)	
C.POM Lawrence Sanchez	Force: Police Officer Lawrence Sanchez used physical force against § 87(2)(b)	

Case Summary

On March 10, 2016, the following complaint was filed by phone with IAB on behalf of § 87(2)(b) generating original log number 2016-8553. The CCRB received the complaint on March 16, 2016.

On March 9, 2016 at approximately 10:35 p.m., § 87(2)(b) walked towards the intersection of East 167th Street and Fox Street while drinking a can of beer. Sergeant Miroslav Maric, Police Officer Brendan Grace and Police Officer Lawrence Sanchez of the 41st Precinct drove towards the intersection in an unmarked vehicle and stopped § 87(2)(b). Sgt. Maric asked § 87(2)(b) for his name and where he was headed. § 87(2)(b) told Sgt. Maric that he was going to a friend's house. Sgt. Maric asked § 87(2)(b) for identification. § 87(2)(b) fled towards East 168th Street and Fox Street. § 87(2)(b) dove to the ground. The officers allegedly jumped on § 87(2)(b) grabbed § 87(2)(b)'s head and slammed it against the cement on the ground several times (**Allegations A, B, and C**). § 87(2)(b) repeatedly told the officers that he was down. The officers allegedly kned and punched § 87(2)(b) several times on his lower left hip and back (**within Allegations A, B, and C**). The officers allegedly stomped on § 87(2)(b)'s elbows (**within Allegations A, B, and C**). § 87(2)(b) was transported to the 41st Precinct stationhouse by Sgt. Maric, PO Grace and PO Sanchez in the unmarked vehicle. He did not complain of any injuries while he was en route to the stationhouse although he was in pain.

§ 87(2)(b) complained that he was in pain while he was at Bronx Central Booking. He felt his elbow throbbing and his head hurting while he was inside of the cell. § 87(2)(b) was transported to § 87(2)(b) by Police Officer Damir Djukanovic and Police Officer Luis Almanzar of the 41st Precinct. § 87(2)(b) was diagnosed with an old small fracture on his elbow and prescribed pain medicine.

Mediation, Civil and Criminal Histories

- This case was unsuitable for mediation due to § 87(2)(b)'s arrest.
- On May 16, 2016, a notice of claim inquiry was submitted to the New York City comptroller's office. The inquiry yielded negative results. (BR01)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint.
- Sgt. Maric has been a member of service for 12 years and has four previous CCRB allegations, with one substantiated allegation of frisk in case 200701549 and one other CCRB case that is currently open. In case 200701549, an allegation of frisk was substantiated with charges but Sgt. Maric did not receive disciplinary action. § 87(2)(g)

- PO Sanchez has been a member of service for 9 years and has 19 other CCRB allegations and two open CCRB cases, 201603736 and 201604265 which include allegations of physical force. One allegation of physical force was closed as exonerated. Two previous allegations of force in separate cases were closed as victim unavailable and complainant uncooperative. § 87(2)(g) none have been substantiated. (See officer history)
- PO Grace has been a member of service for three years and has five other CCRB allegations, with one substantiated allegation of entry in case 201309714. There is no disciplinary recommendation listed in the CTS for case 201309714. Two previous allegations of physical force have been closed as victim unavailable and unsubstantiated. § 87(2)(g) (See officer history)

Findings and Recommendations

Allegations Not Pleaded:

- § 87(2)(g)

Allegation A -Force: Sergeant Miroslav Maric used physical force against § 87(2)(b)

Allegation B -Force: Police Officer Brendan Grace used physical force against § 87(2)(b)

§ 87(2)(b)

Allegation C -Force: Police Officer Lawrence Sanchez used physical force against § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) stated that he fled § 87(2)(b). § 87(2)(b) initially stated that he dove to the ground because his bad knee gave out. He later stated that he dove to the ground because he noticed that the officers were running after him. § 87(2)(b) stated that the officers allegedly jumped on him between 167th Street and 168th Street. He recounted that the officers allegedly grabbed his head and slammed it against the cement. § 87(2)(b) indicated that he was facing the ground and the right side of his face made contact with the ground. § 87(2)(b) repeatedly told the officers that he was down. § 87(2)(b) additionally stated that the officers allegedly kned and punched him several times on his lower left hip and back. He also stated that an officer allegedly stomped on his elbow. § 87(2)(b) requested medical attention while he was a Bronx Central Booking. He was taken to § 87(2)(b) and diagnosed with an old small fracture and prescribed pain medication for his head and elbow. § 87(2)(b) could not specifically indicate which officers took which actions during his apprehension because he was facing the ground and it was dark outside but he speculated that all of the officers were involved.

PO Grace recounted that § 87(2)(b) fled northbound on Fox Street after he stepped outside of the vehicle and said, "Police don't move." PO Grace stated that § 87(2)(b) fled, tripped over the curb, and fell onto the sidewalk. PO Sanchez stated that § 87(2)(b) fled towards East 169th Street as Sgt. Maric motioned to exit the vehicle. PO Sanchez lost sight of § 87(2)(b) when he ran between two cars. PO Sanchez assumed that § 87(2)(b) tripped over the sidewalk and recounted that § 87(2)(b) was already on the ground when he approached him. Sgt. Maric

stated that § 87(2)(b) fled northbound on Fox Street as he cracked open the door of the vehicle. Sgt. Maric stated that he did not witness how § 87(2)(b) got onto the sidewalk but recounted that either PO Grace or PO Sanchez informed him that § 87(2)(b) tripped over his own two feet. All of the officers interviewed in regards to the investigation denied grabbing § 87(2)(b)'s head and repeatedly slamming it against the cement. The officers also denied kneeling and punching § 87(2)(b). The officers specifically denied kneeling and punching § 87(2)(b) repeatedly on his lower left hip and back. Sgt. Maric stated that he was not physically involved in § 87(2)(b)'s apprehension but he did not recall whether he saw PO Sanchez and PO Grace knee § 87(2)(b) on his back and lower left hip. All of the officers stated that they interacted with § 87(2)(b) at the stationhouse. PO Grace stated that § 87(2)(b) did not complain of any injuries at the stationhouse. PO Sanchez did not see any visible injuries on § 87(2)(b) at the stationhouse and also recounted that § 87(2)(b) did not complain of being in pain. Sgt. Maric asked § 87(2)(b) if he needed medical attention at the stationhouse. § 87(2)(b) told Sgt. Maric that he was all right.

§ 87(2)(b)'s medical records from § 87(2)(b) show that § 87(2)(b) complained to medical personnel that he was assaulted by the police and pushed to the ground. § 87(2)(b) complained of pain to the right elbow and stated that he was hit to the right side of his head. § 87(2)(b) denied having back pain. § 87(2)(b)'s X-Rays showed a small inwardly curved right olecranon spur on his elbow that could be a result of a previous injury. There was no evidence of acute bony fracture, joint subluxation/dislocation, right elbow joint effusion, or other abnormality identified in the right elbow. § 87(2)(b) was diagnosed with mild swelling over the olecranon and given ibuprofen to take three times a day with meals. (BR03)

§ 87(2)(g) Although he stated during his CCRB interview that he dove to the ground, § 87(2)(b) complained to medical personnel that the officers pushed him to the ground. The UF-49 prepared in regards to this incident states that § 87(2)(b) alleged that an officer kicked him in the head (BR04), but § 87(2)(b) did not allege this in his CCRB testimony. Additionally, § 87(2)(b)'s arrest photo shows that his head was clean shaven on the date of the incident § 87(2)(g)

§ 87(2)(b) (BR05). § 87(2)(g)

§ 87(2)(b)'s medical records document no head injury. § 87(2)(g)

§ 87(2)(b) PO Grace was the only officer who admitted witnessing how § 87(2)(b) ended up on the ground, but he denied the allegations. § 87(2)(g)

§ 87(2)(g)

Squad: 14

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date